



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Habitat Program: 600 Capitol Way N, Olympia, Washington 98501-1091 - (360) 902-2534

**DETERMINATION OF SIGNIFICANCE
AND REQUEST FOR COMMENTS ON SCOPE OF SUPPLEMENTAL EIS**

**Public comment on the scope of issues in the Non Project
Review Form and Determination of Significance will be
accepted from June 15 until July 13, 2001**

Description of Proposal: Update the 1992 Supplemental Environmental Impact Statement (SEIS) to incorporate new information as required by WAC 197-11-405(4). Since the 1992 SEIS additional information has been presented concerning Rotenone use and health issues. The objectives of the scope of the SEIS are to:

1. Review any new information on human health issues that may indicate a change of policy concerning how rotenone is used.
2. Provide policy and a framework for safe application of rotenone.
3. Provide a policy that will address health concerns of inert ingredients often used with rotenone.
4. Provide a policy and framework to protect both groundwater and the public if rotenone is used.

Proponent: Washington Department of Fish and Wildlife

Location of Proposal, including street, if any: In lakes throughout the state where fishing opportunities can occur or in lakes and streams where the need exists to remove exotic fish species in order to restore native fish populations.

Lead Agency: Washington Department of Fish and Wildlife

EIS Required. Washington Department of Fish and Wildlife (WDFW) has determined that some elements of the alternatives considered may have a significant adverse impact on the environment. In addition, WDFW believes a Supplemental Environmental Impact Statement (SEIS) may provide information useful in future decision making. As a result, WDFW will prepare a SEIS [RCW 43.21C.030(2)(c)]. An experimental Non-Project Review Form is being used as an analysis tool (See related documents and additional information section.)

The lead agency had identified the following areas for discussion in the EIS:

1. Inerts used to apply Rotenone to aquatic areas. Discussion will include application of both powder and liquid rotenone formulas.
2. Swimming in waters that have recently been treated with Rotenone. Ingestion of rotenone treated water will be discussed, including powder and liquid. Skin irritation and potential ingestion will be discussed.
3. Long-term effects from contact with Rotenone applied to aquatic areas. Diseases that may be potentially caused from Rotenone will be explored.
4. Groundwater. The document will discuss the effects, if any, Rotenone might have on groundwater when applied to lakes and streams.

Scoping. Agencies, affected tribes and members of the public are invited to comment on the scope of the SEIS. You may comment on alternatives, mitigation measures, probable impacts, and permits or other approvals that may be required. The method and deadline for giving us your comments is:

Written comments should be received at the address listed below no later than
July 13, 2001.

Please return your scoping comments, with this page, to the address shown below. If you have questions about the project, please contact Jim Uehara, Project Leader, Fish Program, at 360-902-2738.

If you have questions on the scoping process please contact the SEPA Coordinator, Cynthia Pratt, at 360-902-2575 or e-mail prattcrp@dfw.wa.gov.

Responsible Official: Peter Birch

Position/Title: Environmental Services Division Manager

Address: 600 Capitol Way North, Olympia, WA 98501

DATE OF ISSUE: June 15, 2001 **SIGNATURE:**  for Peter Birch

Public Meetings will be held at the following sites and dates:

June 26, 7 PM - 9 PM Seattle Area Public Scoping Meeting

Doubletree Hotel Seattle Airport
18740 Pacific Highway S.
Seattle, Washington

(Located on the corner of 188th and Pacific Highway S., near Seatac Airport)

June 28, 7 PM - 9 PM Spokane Public Scoping Meeting

North Spokane County Library

44 E. Hawthorn Rd.

Spokane, Washington

(Located in North Spokane, 1 block east of State Highway 395 on Hawthorn Rd. and Colfax St. Access to the library parking lot is off of Colfax St.)

Request for Environmental Documents for:

Scoping for Lake and Stream Rehabilitation SEIS, and Non-Project Review Form.

Send to:

Cynthia Pratt, SEPA/NEPA Coordinator, 600 Capitol Way N, Olympia, WA 98501-1091
or access WDFW's SEPA website at <http://www.wa.gov/wdfw/hab/sepa/sepa.htm>

If you would like your name removed from our distribution list, please contact Terri Mielke at 902-2550 or by e-mail at mielktmm@dfw.wa.gov

Related Documents and Additional Information:

A copy of the 1992 Supplemental EIS may be reviewed through the Washington State Library, Department of Ecology's Environmental Review Section, or through the Washington Department of Fish and Wildlife's Fish Program. There are additional Addendums that have been prepared annually that have identified what lakes were to be treated during the coming season. A copy of these can be obtained from the Washington Department of Fish and Wildlife, Habitat Program, Attention: SEPA/NEPA Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091.

SUMMARY

The following document is an experimental Non-Project Form Ecology is testing to streamline environmental analysis for non-project State Environmental Policy Act actions. It is part of SEPA Scoping, so it may appear to be incomplete, but one of the functions of scoping is to identify factors to be analyzed. Therefore, based on comments received during Scoping and as a result of additional environmental analysis, we are anticipating a more detailed document to be submitted as a Supplemental EIS. We are especially interested in commenter's views on issues, objectives, alternatives, and areas of concern.

This document is intended to supplement the Lake and Stream Rehabilitation Program as reviewed under the 1992 Final SEIS. The program's decisions will be submitted to the Fish and Wildlife Commission based on alternatives chosen from the proposed SEIS once it is final.

Scoping and environmental analysis may identify potential changes needed to the Lake and Stream Rehabilitation Program based on analysis of the health issues as outlined in this Scoping Notice. Commenters are invited to provide their views on needed changes. The Non-Project Review Form will be updated as more information becomes available.

Below is the Non-Project Review Form. Because WDFW is in the initial planning stages, and Scoping has just begun, not all questions have been answered. Other answers may be changed or expanded as the project proceeds.

State Environmental Policy Act (SEPA)

Non-Project Review Form (NPRF)

Fundamental premises

1. The environmental analysis and the proposal development process should be integrated and run concurrently
2. Governmental actions under SEPA cause environmental impacts by directing, encouraging or enabling physical changes that result in such impacts.
3. In the development of a proposal preliminary decision are made that set the direction and may have environmental consequences.
4. Analysis of impacts and alternatives of key issues throughout the proposal development process will more likely result in a proposal that better reflects environmental values.

General

The non-project review form is designed to be used concurrently with the development of a non-project proposal. To achieve maximum effectiveness and efficiency the initial use of the form should begin at the same time as a non-project is being contemplated, i.e. upon identification that a plan, policy or rule is likely to be needed or is mandated.

–Iterative process: The form is designed so that as a proposal is developed, the form is updated and detail is added. When a complete draft proposal is ready for public review, or review by an intermediary governmental body (e.g., a planning commission), the form should be at a comparable draft state, similar to a draft environmental impact statement (DEIS).

–Initial completion of form: All questions and requests for information should be reviewed when a non-project proposal is contemplated, recognizing that at this stage, it is premature to respond to some questions and some of the answers will change as the proposal is developed. Generally, at the initial stages, NPRF Sections 1) and 2) can be fully completed and the first several questions in the remainder of the sections can be preliminarily answered.

Those questions that are italicized and underlined are to be completed after the development of a proposal or preferred alternative



(June 13, 2001 version, DRAFT 5)

NONPROJECT REVIEW FORM

1) Background

a) Agency and contact name, address, telephone, fax, email

Washington Department of Fish and Wildlife
Jim Uehara
Fish Management Division
600 Capitol Way N.
Olympia, Washington 98501-1091
(360) 902-2738
FAX: (360) 902-2944
email: ueharjku@dfw.wa.gov

b) Designated responsible official

Peter Birch, Habitat Program, Washington Department of Fish and Wildlife

c) Name of proposal, if any, **and brief description**

The Washington Department of Fish and Wildlife (WDFW) proposes to update the WDFW Final Supplemental Environmental Impact Statement (FSEIS), Lakes and Streams Rehabilitation using rotenone 1992. New information about rotenone has been developed since 1992 and the department proposes to review this information on potential effects to the environment and human health and update the FSEIS based on this review.

Guidance #1(d): This response should name the jurisdictional coverage and that portion of the jurisdiction where the nonproject action will apply. Example, the nonproject action will apply statewide to all areas designated as being under the jurisdiction of the Shoreline Management Act. This includes all lakes over 20 acres, all streams with an annual mean flow of 20cfs and all saltwater areas, plus 200 feet from ordinary high water marks any associated wetlands.

d) Describe the jurisdiction or area where the proposal is applicable.

1. Statewide, in lakes where fishing opportunities can occur.
2. Lakes and streams where the need exists to remove exotic fish species for rehabilitating and recovering native fish populations or other native aquatic communities.

Guidance #1(e): Briefly describe the law, ordinance, chapter, etc. that allows the lead agency to undertake and approve the anticipated action, or cite relevant language. Example, Chapter XXX RCW states: The Department of Ecology is authorized and directed to promulgate regulations to carry out the provisions of this act.

e) What is the legal authority or mandate for the proposal?

RCW 77.04.012 mandates the Department of Fish and Wildlife to preserve, protect, perpetuate, and manage game fish in state waters and to enhance and improve recreational fishing.

RCW 77.12.420 empowers the Fish and Wildlife Commission to authorize the eradication of undesirable fish for the improvement of conditions for growth of game fish.

The Commission's right to rehabilitate lakes and streams was affirmed by Thurston-Mason County Superior Court in the case of Patrick vs. Biggs (#27476), January, 1954.

2) Need and Objectives

Guidance #2(a): This response should address both the immediate problem and, if appropriate, how it relates to a broader need. Example, the problem may be to provide additional low income housing while the need is to provide suitable housing for all income levels within the jurisdictions.

a) Describe the problem to be addressed and the need for the action.

New issues concerning environmental effects and human health resulting from rotenone have become apparent since the 1992 FSEIS on Lake and Stream Rehabilitation was issued. This new information on rotenone and these issues need to be reviewed and acceptable alternatives developed for continued rotenone use.

Guidance #2(b): Response reflects the specific objectives that the nonproject action will try to achieve. Example, the objection is to provide suitable low-income housing for 200 families.

b) Describe the primary objective(s) of the proposal.

The primary objective of this proposal is to evaluate human health concerns. This will update the 1992 FSEIS on rotenone use for Lake and Stream Rehabilitation with information new since the FSEIS was issued.

c) Are there any other objectives? If so, describe.

Addressing these concerns will allow the program to continue in a safe, environmentally conscious manner.

Guidance #2(d): This question is placed early in the form to stimulate thought and assist in identifying key issues that may arise later in the process. It also provides an opportunity for the public and others to identify concerns that they may have.

d) What are the current known or anticipated key environmental issues or areas of controversy or concern?

There is concern that: 1. The inert ingredients found in the liquid formulations of rotenone products may adversely affect water quality and the environment. 2. There may be newly discovered effects to human health from rotenone.

Guidance #3: Lead agencies are encouraged to identify and use previous environmental documents to avoid duplication. Therefore, the response should be specific both as to the documents (SEPA and/or NEPA) covering the topic and those impacts that have been adequately analyzed.

3) Previous Documentation

a) Identify and briefly describe any similar or related plan, regulation, policy, etc. currently in effect governing this geographic area and that contains the means to further the primary objective.

FSEIS Lake and Stream Rehabilitation, 1992 and annual addendums. The annual addendums identify what lakes will be treated during the coming season

WDFW Fish and Wildlife Commission Policy Number POL-C3010. This policy states that manipulation of aquatic ecosystems using chemical piscicides is a valuable tool and a cost effective management tool for providing quality fishing opportunities in many waters of the state.

b) Is this proposal likely to result in an amendment to or replacement of such existing regulation, policy or plan? Briefly describe.

This proposal will likely result in an amendment to update and address areas not adequately analyzed in FSEIS Lake and Stream Rehabilitation 1992.

c) List any environmental documents (SEPA or NEPA) that have been prepared for items identified in 3a above. Identify the type of document, lead agency, and issue date.

FSEIS Lake and Stream Rehabilitation 1992 and annual addendums for 1993 through 2000 are currently in effect.

The U.S. Fish and Wildlife Service provides funding for the purchase of rotenone and provides a Programmatic Environmental Assessment under NEPA for Funding Rotenone Projects through the Federal Aid in Sport Fish and Wildlife Restoration Programs.

d) Do the SEPA documents in 3c adequately analyze any or all of the impacts from the alternatives being considered? **(Impacts with previous adequate analysis need not be re-analyzed, but should be incorporated by reference into the NPRF.)**

No. While human health impacts were analyzed in 1992, new information since then needs to be reviewed.

Guidance #4: Many legal authorizations offer flexibility in how the policy may be achieved. Example, a law may authorize or direct the promulgation of rules, but it may be within an agency's prerogative to accomplish certain objectives through a nonregulatory approach such as guidance or educational/outreach.

4) Alternative Approaches

a) Briefly describe any legal or other mandate that requires a particular approach?

b) If there is no mandated approach, what type of approaches could reasonably achieve the objectives?

c) *Why was the approach presented in the proposal selected?*

This will be filled out as planning proceeds.

Guidance #5: The responses to these questions may be expected to change with various iteration, as new stakeholders are identified, the proposed actions becomes better defined and public awareness is increased.

5) Public, Agency and Tribal Involvement

a) Who are the known primary stakeholders?

The angling public, Environmental groups, lakeshore property owners, Washington Department of Ecology, U.S. Fish and Wildlife Service.

b) What other jurisdictions are involved and for what reason?

The Washington Department of Ecology for temporary water quality variances and NPDES permits.

c) What types of processes will be used for soliciting, evaluating, and documenting input from stakeholders, agencies, tribes and the public?

Public notices, and notices of meetings and hearings through the department web site and current mailing lists. The current distribution list is enclosed.

d) If different from above, briefly describe the processes used in addressing the public's and other interested parties concerns and comments?

Guidance #6: This response should describe those attributes of the area(s) likely to be affected by "on the ground" activities. The specificity will vary depending on both the nature of the anticipated nonproject action as well as the jurisdictional constraints. A nonproject action covering all contaminated sites should broadly describe whether or not most or many sites are in urban areas, near water bodies, in industrially developed areas, etc. A nonproject action for a one hundred-acre region will contain considerably greater detail to the degree that the reader can visualize the area.

6) Existing Environment

a) Generally describe the existing environmental landscapes (i.e., status or quality of ecosystem) likely to be affected if the proposal is implemented. Include a description of the existing environment where resulting "on the ground" activities may occur and adjacent areas and facilities likely to be impacted. The following should be included, as appropriate:

- Primary physical features
- Development level and infrastructure
- Percent impervious surfaces (approximate)
- Unique features, including historic and cultural sites, potential or existing critical areas, resource lands
- Endangered or Threatened Species in or near the area

Approximately 200 lakes and ponds in Washington. WDFW Fish and Wildlife Commission policy POL-C3010 specifically states that: waters will not be treated in ways which would cause significant negative impacts to fish or wildlife which are state or federally listed as Threatened, Endangered, Sensitive or Candidate Species.

A more thorough discussion will be developed as the document is prepared.

7) Broad Impacts

a) In meeting the primary objective (identified in 2b of this form) is it likely that the non-project action will direct an agency to develop or construct projects? Describe.

Yes. Projects will be initiated that will reduce unwanted fish in various lakes throughout the state.

b) In meeting the primary objective is it likely that the non-project action will encourage physical changes to the natural or built environment? Describe.

Perhaps. If recreational fisheries become more productive, it may encourage some people to move to these areas for better access to fishing.

c) What is the location (geographic area) where changes will be directed or encouraged? Include the area directly affected, as well as adjacent or other areas where changes will be indirectly encouraged.

Lakes, ponds and streams statewide. Lakes that are potable water sources will not be affected.

d) Will this action constrain certain activities or development, but not preclude all activities or developments? Briefly describe.

This action should not constrain activities or development past the initial period of application of rotenone.

Guidance #8: In the development of a nonproject proposal, preliminary decisions are made as to what direction or alternatives will best meet the objective(s). This section documents those issues, analyze the environmental consequences, and describes alternatives (particular to those with lessor adverse environmental impacts). For the selected preliminary decision, mitigation should be reviewed as to whether or not it is consistent with the objective(s). Documentation of the rationale such as, economics or constrained by existing law, for not considering other alternatives should be provided.

8) Key issues/questions, alternatives, impacts and mitigation.

This will be filled out after scoping.

a) Identify key issue/question # 1. Include a brief statement of why this is a key issue/question.

b) Identify alternative solutions.

(1) How would each alternative solution likely direct, encourage or enable:

- New Development?
- Redevelopment?
- Changes in land use?
- Changes in density of use?
- Changes in management practices?

(2) What are the likely impacts from the changes?

(3) What are potential mitigation measures for these impacts?

(4) Will the intent of the proposal still be met if these impacts occur?

c) What preliminary decision, if any, was made regarding this key issue?

d) Which alternatives will be carried forward for further analysis?

e) For those alternatives not carried forward please describe why not?

f) Key issue/question #2, 3,.....Repeat above questions for each key issue.

Definition: Key issues/questions are those for which the solution may limit the

range of alternatives or commit the agency to take a particular direction and that could have adverse impacts to the environment.

Key issues and questions have been very thoroughly covered in the 1992 FSEIS except for newly emergent questions and information concerning public safety resulting from rotenone applications. These will be explored after Scoping has been completed.

THE REMAINDER OF THIS FORM IS EXPECTED TO BE FILLED OUT
AND COMPLETED AT THE FINAL STAGES OF THE PROCESS.

Guidance #9: Because of analysis of individual key issues will occur over time, there may be relationships between the preliminary decisions that could result in adverse impacts. Prior to the issuance of a draft proposal a review should be conducted and any such impacts be analyzed.

9) Total Proposal Evaluation

If there is a preferred alternative (draft proposal) or alternative packages, describe any additional impacts and mitigation (over and above those addressed in key issue analysis) when considering the total proposal.

10) Consistency of the proposal with other plans, policies and laws.

a) Internal consistency

- (1) Is the proposal internally consistent with your agency's previously adopted or ongoing plans and regulations?
- (2) If there are internal inconsistencies, how does the proposal deal with them? Identify any strategies or ideas for resolving inconsistencies with existing, and /or, anticipated future laws, rules, or plans.

b) External consistency

- (1) Is the proposal consistent with adopted or ongoing plans and regulations of adjacent jurisdictions and/or other agencies, if applicable?
- (2) If there are external inconsistencies, how does the proposal deal with them? Identify any strategies or ideas for resolving inconsistencies with existing, and /or, anticipated future laws, rules, or plans.

11) Unavoidable impacts and impacts to be addressed later.

- a) Identify what impacts have been left to be addressed at the project level (i.e., thresholds which trigger further environmental analysis at the project level).
- b) For GMA actions, what impacts from the proposal have been designated as acceptable under chapter 36.70A RCW?

Definition: Consistency means that implementing the proposal would not result in conflicting requirements between the proposal and other applicable laws and rules you (internal) or other agencies (external) implement.

12) Monitoring and Follow-up

- a) How will the completion of and compliance with mitigation measures be monitored and enforced? Who will do the tracking, how will it be done, etc.?
- b) How will the impacts of the proposal be measured in relation to any benchmarks, performance standards and/or thresholds identified in the proposal?
- c) What other non-project actions will be necessary to achieve the objectives of this action?